UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,492	08/13/2001	Hiroyuki Takakura	826.1740	5320

			EXAMINER

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EXAMINER
POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _13 August 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All   b)☐ Some *   c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _8/13/01_.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Priority

1.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers

have been placed of record in the file.

Information Disclosure Statement

2.   The references listed in the Information Disclosure Statement submitted on 8/13/01 have

been considered by the examiner (see attached PTO-1449).

Drawings

3.   The drawings received on 8/13/01 are acceptable by the examiner.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   **Claims 1-26** are rejected under 35 U.S.C. 102(e) as being anticipated by Philyaw (U.S.

Patent Number 6,845,388).

Regarding *claim 1*, Philyaw discloses an information conveying system in which an

information provider side conveys information to a consumer side via a distribution material

distributed by an information distributor (see Fig. 16, and column 16, line 47-column 17, line

17), and a bi-directional information exchange between the information provider side and the

consumer side is made (see Figs. 19 and 22, and column 22, line 56-column 23, line 33), wherein

at least one of the information provider side and the information distributor side comprises a

converting unit converting conveyance information conveyed from the information provider side

to the consumer side into pattern information recording digital data (column 8, lines 1-47,

column 17, lines 1-67, column 20, lines 32-58, and column 23, lines 34-63), and the consumer

side comprises a restoring unit restoring the pattern information (column 17, lines 18-46), and a

returning unit returning reply information of the conveyance information to at least one of the

information provider side and the information distributor side based on the conveyance

information that the restoring unit restores from the pattern information (column 18, line 1-

column 19, line 14, and column 20, lines 47-58).

Regarding *claim 2*, Philyaw discloses a server (ARS 308) in an information conveying

system conveying conveyance information to a consumer side, and receiving a reply to the

conveyance information comprising a converting unit converting the conveyance information to

be conveyed to the consumer side into pattern information (column 8, lines 1-47, column 17,

lines 1-67, column 20, lines 32-58, and column 23, lines 34-63), and an accumulation unit

accumulating information returned from the consumer side (column 8, lines 1-47, and column

18, lines 40-46, and column 21, lines 1-28).

Regarding *claim 3*, Philyaw discloses a terminal (PC 302) used by a consumer side in an

information conveying system making a bi-directional information exchange between an

information provider side and the consumer side (see Figs. 19 and 22, and column 22, line 56-

column 23, line 33), comprising a restoring unit restoring the pattern information printed on a

distribution material (column 17, lines 18-46), and a returning unit returning reply information to

the information provider side based on the conveyance information that the restoring unit

restores from the pattern information (column 18, line 1-column 19, line 14, and column 20,

lines 47-58).

Regarding *claim 4*, Philyaw discloses an information conveying system in which an

information provider side conveys information to a consumer side via a distribution material

distributed by an information distributor (see Fig. 16, and column 16, line 47-column 17, line

17), and a bi-directional information exchange between the information provider side and the

consumer side is made (see Figs. 19 and 22, and column 22, line 56-column 23, line 33), wherein

at least one of the information provider side and the information distributor side comprises a

converting means for converting conveyance information conveyed from the information

provider side to the consumer side into pattern information recording digital data (column 8,

lines 1-47, column 17, lines 1-67, column 20, lines 32-58, and column 23, lines 34-63), and the

consumer side comprises restoring means for restoring the pattern information (column 17, lines

18-46), and returning means for returning reply information of the conveyance information to at

least one of the information provider side and the information distributor side based on the

conveyance information that the restoring means restores from the pattern information (column

18, line 1-column 19, line 14, and column 20, lines 47-58).

Regarding *claim 5*, Philyaw discloses a server (ARS 308) in an information conveying system conveying conveyance information to a consumer side, and receiving a reply to the conveyance information comprising a converting means for converting the conveyance information to be conveyed to the consumer side into pattern information (column 8, lines 1-47, column 17, lines 1-67, column 20, lines 32-58, and column 23, lines 34-63), and accumulating means for accumulating information returned from the consumer side (column 8, lines 1-47, and column 18, lines 40-46, and column 21, lines 1-28).

Regarding *claim 6*, Philyaw discloses a terminal (PC 302) used by a consumer side in an information conveying system making a bi-directional information exchange between an information provider side and the consumer side (see Figs. 19 and 22, and column 22, line 56-column 23, line 33), comprising restoring means for restoring the pattern information printed on a distribution material (column 17, lines 18-46), and returning means for returning reply information to the information provider side based on the conveyance information that the restoring means restores from the pattern information (column 18, line 1-column 19, line 14, and column 20, lines 47-58).

Regarding *claim 7*, Philyaw discloses an information conveying method with which an information provider side conveys information to a consumer side via a distribution material distributed by an information distributor side (see Fig. 16, and column 16, line 47-column 17, line 17), wherein at least one of the information provider side and the information distributor side converts conveyance information to be conveyed from the information provider side to the consumer side into pattern information recording digital data (column 8, lines 1-47, column 17, lines 1-67, column 20, lines 32-58, and column 23, lines 34-63), and the consumer side restores

the pattern information (column 17, lines 18-46), and returns reply information of the conveyance information to at least one of the information provider side and the information distributor side based on the conveyance information restored from the pattern information (column 18, line 1-column 19, line 14, and column 20, lines 47-58).

Regarding *claim 8*, Philyaw discloses the method discussed above in claim 7, and further teaches that the conveyance information includes at least one of the provision information that the information provider side provides to the consumer side (column 17, line 47-column 18, line 26), return information for returning the reply information (column 18, lines 1-46), and a storage program determining an environment surrounding the consumer side (column 22, lines 2-55, and column 26, lines 34-65).

Regarding *claim 9*, Philyaw discloses the method discussed above in claim 8, and further teaches that the provision information is multimedia information including at least one of character information, still image information, moving image information, and audio information (column 17, line 1-column 18, line 26, and column 20, lines 32-46).

Regarding *claim 10*, Philyaw discloses the method discussed above in claim 8, and further teaches that the storage program returns the reply information by making a connection to a network if the consumer side can make the connection to the network (column 22, line 55-column 23, line 63), or presents information required for returning the reply information with a method which does not make a connection to the network if the consumer side cannot make the connection to the network (column 23, line 34-column 24, line 10).

Regarding *claim 11*, Philyaw discloses the method discussed above in claim 8, and further teaches that the storage program identifies a terminal of the consumer side (column 15, lines 2-62, column 17, lines 26-59, column 20, line 47-column 21, line 41).

Regarding *claim 12*, Philyaw discloses the method discussed above in claim 7, and further teaches that the information provider side assigns a distribution material identifier for identifying a type of the distribution material to the distribution material (column 17, line 17-59, column 18, lines 15-58, and column 20, lines 32-58) and converts the distribution material identifier into pattern information along with the conveyance information (column 17, line 17-59, column 18, lines 15-58, and column 20, lines 32-58).

Regarding *claim 13*, Philyaw discloses the method discussed above in claim 7, and further teaches that the information provider side accumulates the reply information that the consumer side returns (column 8, lines 1-47, and column 18, lines 40-46, and column 21, lines 1-28).

Regarding *claim 14*, Philyaw discloses the method discussed above in claim 7, and further teaches that the conveyance information includes questionnaire information for the consumer side (column 13, lines 9-53), and the return information includes a reply result of the questionnaire information (column 13, lines 9-53, and column 18, line 27-column 19, line 32).

Regarding *claim 15*, Philyaw discloses the method discussed above in claim 14, and further teaches that the information provider side assigns an identifier to each type of the questionnaire information (column 13, lines 9-53), and converts the identifier into pattern information along with the conveyance information (column 13, lines 9-53, and column 18, line 27-column 19, line 32).

Regarding *claim 16*, Philyaw discloses the method discussed above in claim 15, and

further teaches that the return information includes the identifier along with the reply result, and

the information provider side adds up the reply result by using the identifier (column 13, lines 9-

53, and column 18, line 27-column 19, line 32).

Regarding *claim 17*, Philyaw discloses the method discussed above in claim 7, and

further teaches that the conveyance information includes information for determining

winning/losing of a prize (column 15, lines 11-62), and a winning/losing determination program

for determining winning/losing of a prize according to the information for determining the

winning/losing of a prize (column 15, lines 11-62, and column 18, line 27-column 19, line 32),

and identification information set on the consumer side (column 13, lines 9-53, column 15, lines

11-62, and column 18, line 27-column 19, line 32).

Regarding *claim 18*, Philyaw discloses the method discussed above in claim 17, and

further teaches that the winning/losing determination program immediately notifies the consumer

side of a determination result when determining winning/losing of a prize (column 15, lines 11-

62).

Regarding *claim 19*, Philyaw discloses the method discussed above in claim 17, and

further teaches that when the identification information is not set on the consumer side, the

winning/losing determination program assigns the identification information via a network if the

consumer side can make a connection to the network (column 15, lines 11-62, and column 22,

line 55-column 23, line 63), or presents information required for assigning the identification

information with a method which does not make a connection to the network if the consumer

side cannot make the connection to the network (column 15, lines 11-62, and column 23, line 34-column 24, line 10).

Regarding *claim 20*, Philyaw discloses an information conveying method comprising restoring pattern information recording digital data printed on a distribution material (column 17, lines 18-46), and returning reply information to an information provider side based on conveyance information restored from the pattern information (column 18, line 1-column 19, line 14, and column 20, lines 47-58).

Regarding *claim 21*, Philyaw discloses a computer-readable storage medium on which is recorded a program for causing a computer to execute a process (whereby ARS 308 inherently stores a program, read in column 10, lines 30-34), when being used by the computer, said process comprises converting the conveyance information to be conveyed to a consumer side into pattern information recording digital data (column 8, lines 1-47, column 17, lines 1-67, column 20, lines 32-58, and column 23, lines 34-63), and storing and accumulating a reply to the conveyance information, which is returned from the consumer side, in a memory (column 8, lines 1-47, and column 18, lines 40-46, and column 21, lines 1-28).

Regarding *claim 22*, Philyaw discloses a computer-readable storage medium on which is recorded a program for causing a computer to execute a process (whereby PC 302 inherently stores a program, read in column 10, lines 30-34), when being used by the computer, said process comprises restoring pattern information which records digital data, and is printed on a distribution material (column 17, lines 18-46), and returning reply information to an information provider side based on conveyance information that is restored from the pattern information and

conveyed from the information provider side (column 18, line 1-column 19, line 14, and column 20, lines 47-58).

Regarding *claim 23*, Philyaw discloses the medium discussed above in claim 21, and further teaches of embedding a storage program into the program, if the conveyance information restored from the pattern information includes the storage program (column 17, line 47-column 18, line 46, column 22, lines 2-55, and column 26, lines 34-6).

Regarding *claim 24*, Philyaw discloses a distribution material on which pattern information recording digital data is printed (column 15, lines 26-51,and column 16, line 47-column 17, line 17), the distribution material including at least one of provision information that an information provider side provides to a consumer side (column 17, line 47-column 18, line 26), return information for returning reply information of the provision information (column 18, lines 1-46), and a storage program for determining an environment surrounding the consumer side (column 22, lines 2-55, and column 26, lines 34-65).

Regarding *claim 25*, Philyaw discloses a computer data signal embodied in a carrier wave and representing control software (column 8, lines 1-47, column 10, lines 30-55, column 22, lines 2-55, and column 26, lines 34-65), the control software comprising the operations of converting the conveyance information to be conveyed to a consumer side into pattern information recording digital data (column 8, lines 1-47, column 17, lines 1-67, column 20, lines 32-58, and column 23, lines 34-63), and storing and accumulating a reply to the conveyance information, which is returned from the consumer side, in a memory (column 8, lines 1-47, and column 18, lines 40-46, and column 21, lines 1-28).

Regarding *claim 26*, Philyaw discloses a computer data signal embodied in a carrier wave

and representing control software (column 8, lines 1-47, column 10, lines 30-55, column 22,

lines 2-55, and column 26, lines 34-65), the control software comprising the operations of

restoring pattern information which records digital data, and is printed on a distribution material

(column 17, lines 18-46), and returning reply information to an information provider side based

on conveyance information that is restored from the pattern information and conveyed from the

information provider side (column 18, line 1-column 19, line 14, and column 20, lines 47-58).

Citation of Pertinent Prior Art

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure:

        Philyaw *et al.* (U.S. Patent Number 6,843,417) discloses a bar coding system;

        Cass (U.S. Patent Number 5,692,073) discloses a system that distributes information

using scanned reference marks; and

        Burgess *et al.* (U.S. Patent Number 5,115,326) discloses a system of transmitting

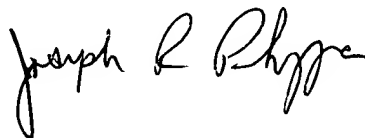messages by using bar coded addresses.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The

examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

                                                          Joseph R. Pokrzywa
                                                          Examiner
                                                          Art Unit 2622

jrp